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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,944	04/12/2001	David B. Dwyer	H0002046	3235

128 7590 09/25/2006

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EXAMINER

AMINI, JAVID A

ART UNIT PAPER NUMBER

2628

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/833,944	Applicant(s) DWYER ET AL.	
	Examiner Javid A. Amini	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-27 is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☒ Claim(s) 11-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/10/2006 has been entered.

Allowable Subject Matter

Claims 18-27 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The first and second color difference are each defined by the following equation:

$$\Delta E(X, Y, Z) = [(155 \Delta Y/Y_{max})^2 + (367 \Delta u)^2 + (167 \Delta v)^2]^{1/2}$$

Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The third visual representation masks said first visual representation in said second common region if said processor determines the predefined event has occurred.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies US. 6,262,741 B1, and further in view of Almeida, Gorete et al. EP 0 927 941 A2 (hereinafter refers as Gorete).

1. Claim 10.

Davies in figs. 6 illustrates the claim limitations of: “An apparatus for displaying a plurality of data categories, comprising: a display that is configured to display a cursor, and to produce a first visual representation of data of a first data category of the plurality of data categories and a second visual representation of data of a second data category of said plurality of data categories”, see, Davies at col. 3, lines 50-54. But, Davies does not teach explicitly the step of “a processor that is configured to receive the data of each of the plurality of data categories and control said display to present said first visual representation of the data of said first data category superimposed over said second visual representation of the data of said second data category”, however, Gorete at col. 5, lines 2-4 teaches the steps, also Gorete at col. 7 lines 1-5 teaches the step of “the first visual representation masks said second visual representation in a first common region of said first visual representation and said second visual representation, Gorete in fig. 6 item 640 teaches that the processor further configured to determine an occurrence of a predefined event and, upon determining the predefined event has occurred, to

superimpose said second visual representation of the data of said second data category over said first visual representation of the data of said first data category whereby the second visual representation masks said first visual representation in said first common region.” It is obvious masking the first data with the second data by selecting the second data. Wherein the predefined event includes movement of the cursor by a user, a predefined change in the data of one or more of the plurality of displayed data categories or both. Gorete at paragraph 0020 teaches also Davies at col. 8, lines 28-37 teaches each layer has the same overall dimensions and has the same outer boundary. Davies at col. 10, lines 5-7 teaches the boundaries of the states are depicted in FIG. 6c. Davies in fig. 10 step 614 receives objects that are representative data of a predefined event, e.g. the four tiles being displayed may be based upon the current location of the GIS system based upon a signal received from a GPS satellite. Davies in fig. 4 illustrates a block diagram illustrating an exemplary computer system 100 upon which an embodiment of the invention may be implemented.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute applicant ’s described structure, by modifying Gorete into Davies in order to configure the display to present the first visual representation of the first data category superimposed over the second visual representation of the second data category. The motivation for modifying the references is as follows: minimizing topological data structures that are very expensive to assemble all the relationships needed between each of the leakage. Gorete at paragraph 0004 teaches that certain industries rely on historical performance data to troubleshoot or plan around unique problems.

2. Claim 13.

“The apparatus of Claim 10, wherein the data of said plurality of data categories are vehicle data categories”, Davies in fig. 4 illustrates a block diagram illustrating an exemplary computer system 100 upon which an embodiment of the invention may be implemented. The invention is usable with currently available personal computers, mini-mainframes and the like. The invention is also envisioned as usable in the cockpit of an aircraft, on a ship and in moving land vehicles. It is believed that invention described herein can readily be adapted for specific hardware configurations for each of these operating environments.

3. Claim 14.

“The apparatus of Claim 10, wherein the data of said plurality of data categories are aircraft data categories”, Davies in fig. 4 illustrates a block diagram illustrating an exemplary computer system 100 upon which an embodiment of the invention may be implemented. The invention is usable with currently available personal computers, mini-mainframes and the like. The invention is also envisioned as usable in the cockpit of an aircraft, on a ship and in moving land vehicles. It is believed that invention described herein can readily be adapted for specific hardware configurations for each of these operating environments.

4. Claim 15.

“The apparatus of Claim 10, wherein said display is a Multi-Function Display (MFD)”, Davies at cols. 14-15 lines 65-67 and 1-3 respectively teaches the system also provides database management allowing data entry, data editing retrieval functions include the ability to select certain attributes and records based on their values. Objects are highlighted which is a way of indicating to the user that a feature is the successful result of a query.

5. Claim 16.

“The apparatus of Claim 10, wherein the data of said first data category is sensor data”, the step is obvious because the data received from GPS considered as a sensor data.

6. Claim 17.

“The apparatus of Claim 10, wherein the data of said second data category is navigation data”, the step is obvious because the data received from GPS is considered as navigation data. Applicant requires being more explicit about the second data considered as navigation data.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Javid A Amini
Examiner
Art Unit 2628

J.A.

J.A.



KEE M. TUNG
SUPERVISORY PATENT EXAMINER